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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1385th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 March 2000, at 3 p.m.

Chairman: Mr. SHERIFIS
later: Mr. VALENCIA RODRIGUEZ (Vice-Chairman)
later: Mr. SHERIFIS (Chairman)

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GE.00-41059 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Eighth to twelfth periodic reports of Rwanda (CERD/C/335/Add.1)

1. At the invitation of the Chairman, Mr. Kananura (Rwanda) took a place at the Committee table.

2. Mr. KANANURA (Rwanda) said that Rwanda had acceded to the Convention in 1975, and had also ratified a number of other international instruments in the fields of human rights and disarmament. The Government regretted that it had been unable to submit its eighth to eleventh reports on time, owing to the armed conflict and massacres culminating in the genocide of 500,000 persons in 1994. The genocide had been the fruit of a culture of impunity and denial of the rule of law, resulting in the exclusion of a part of the population. The Government had to rebuild and restore the social fabric in a country which had lost a million people. To do so, in July 1994 the Government of National Unity had rapidly adopted a policy aimed at establishing a State based on the rule of law, respect for human rights and due regard for the main international instruments, including the Universal Declaration of Human Rights, the principal United Nations human rights treaties, the Convention on the Prevention and Punishment of the Crime of Genocide Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the African Charter on Human and People's Rights.

3. It also had set out to establish national instruments to protect human rights based on the Arusha Peace Agreement, the Declaration of the Rwandan Patriotic Front (RPF) of 1994 concerning the establishment of national institutions and the Protocol of Agreement between the various political forces on the establishment of institutions, signed on 24 November 1994. Since then, institutions had been established in the executive, legislative and judicial branches, with the five parties which had taken part in the Arusha Peace Agreement represented in the executive branch and eight parties represented in the legislature, the Transitional National Assembly. Under the Arusha Agreement and in the agreement with all the parties thereto, the Government had undertaken to set up four institutions: the National Human Rights Commission, which had been established in 1999 with the support of the Office of the United Nations High Commissioner for Human Rights; the National Unity and Reconciliation Commission, which had been created in 1999 to facilitate discussions to ensure reconciliation and educate the population; a legal and constitutional commission which was currently being established to bring national legislation into line with the requirements of the Peace Agreement and to prepare a new body of laws which was to apply after the period of transition; and an electoral commission, which was to be set up in 2001. The aim was to establish a society in which no one was excluded or discriminated against and where all could live once again in harmony. Weekly meetings were held between the President, Vice-President, Prime Minister and senior officials to discuss ways of promoting reconciliation.

4. One of the most serious problems facing Rwanda was the lack of an effective justice system. There were still some 120,000 prisoners held in prisons and communal cells (cachots). In 1995 the Government had convened an international conference to ask not only for material

assistance, but also for ideas on how to rebuild the shattered justice system and social and economic infrastructure. Some assistance had been forthcoming, for example in the form of training for magistrates, and the International Criminal Tribunal for Rwanda had been established. However, the Tribunal had only tried five persons to date; the Rwandan justice system, for its part, had tried 1,630, but 120,000 still awaited trial. In an attempt to speed up the process, the Government had established gacaca trials, gacaca being an age-old form of justice that was consistent with the country's traditions, social values and customs. A seminar had recently been held in Copenhagen on the possibility of using such trials to solve the problems in the justice system. Gacaca was a participatory justice system which would involve all Rwandans and would sensitize all members of society to the issues. Clearly, there were some people incarcerated who did not deserve to be, and there were also some who were free who had taken part in the genocide. It was hoped that by involving the entire population, the Rwandan people would be able to come to terms with the tragedy.

5. The genocide had left Rwanda with a population which was 54 per cent female, and many heads of household were in fact young girls. Until 1998 girls and women had had no rights of inheritance. The Government had recently rectified that situation by adopting a new Marriage and Successions Act which gave women and girls the right to inherit.

6. Mr. NOBEL (Country Rapporteur) welcomed the Rwandan Government's resumption of its dialogue with the Committee. The report currently under consideration was the first to be submitted since the genocide and the unspeakable horrors that had been inflicted upon the Rwandan people. It was a comprehensive report, drafted in accordance with the Committee's guidelines. Further interesting information, for example on the Transitional National Assembly, the National Human Rights Commission, the development of democracy and the status of the genocide trials, had been furnished orally. Rwanda had constantly been on the Committee's agenda in recent years, in particular under its early warning measures and urgent action procedures.

7. The report gave some information on the population, but did not provide a proportional breakdown by ethnic group. According to the non-governmental organization (NGO) Minority Rights Group International, prior to the genocide there had been 7.5 million inhabitants - about 1 million more than the population reported for 1996 - of whom 90 per cent had been Hutus, 9 per cent Tutsis and 0.4 per cent Twa. The same NGO estimated that 500,000 Tutsis had perished, and that the Twa minority had been victimized by both Hutus and Tutsis. It would thus appear that the proportion of Tutsis had fallen to under 5 per cent of the population and that the Twa minority had become still smaller than it had been.

8. The report stated that the Government extended the same opportunities to each ethnic group, but gave no information on how that was achieved. That would be of interest to the Committee, especially since, according to the report, the previously applied "policy of balance" had been abolished. Did the Transitional National Assembly have any power over the national budget or taxation matters?

9. With regard to the independence of the judiciary, the Special Rapporteur on the independence of judges and lawyers had sent an urgent communication to the Government in 1997 concerning alleged violations of the independence of judges and lawyers engaged in the

genocide trials. Judicial officers had reportedly been dismissed or forced to leave the country out of fear for their lives because of military and Government interference in their work; some had been arrested, detained and charged with participation in the genocide, and others had received threats, had disappeared or had even been killed.

10. The periodic report pointed to a lack of human and financial resources, which was understandable in the light of the country's recent history. Rwanda was entitled to more international support. The establishment of the National Human Rights Commission was a very positive step. Was the Commission able to receive individual complaints? If so, how many had it received? Was it entitled to initiate investigations, and what sort of investigative powers did it have to conduct them in the event that the authorities refused to cooperate with it? Did it have any decision-making powers? What staff and resources did the Commission have at its disposal?

11. What was the significance, with regard to racial discrimination, of the adoption of the land bill referred to in paragraph 38? The report failed to provide information on the percentage of children attending primary and secondary schools, and did not say how many went on to university.

12. Nearly all the legislation cited in the report dated from before the 1994 genocide, which meant that it had proved ineffective at least on that occasion. It was therefore a matter of concern to the Committee that the legislation should be implemented properly. The report provided information on the law and the Government's aspirations, but very little on implementation, complaints, case law, the number of convictions for racial discrimination and the actual situation of the country's people. He therefore felt it necessary to review certain aspects of the situation in Rwanda on the basis of various reports to the United Nations Commission on Human Rights and information from the United States Department of State, Human Rights Watch and Amnesty International.

13. The security situation remained poor not only owing to persistent security problems throughout the Great Lakes region, but also because of hostility within Rwanda itself. The Interahamwe militias still received training and arms in some neighbouring countries and undertook raids into Rwanda, although the situation had improved to the point where the staff of the International Committee of the Red Cross (ICRC) were able to travel without armed escorts. Still, hundreds and perhaps thousands of killings and disappearances had been reported as late as 1998. The establishment of local defence forces, with the support of the Government, was of concern to the Committee. Such forces were set up by villages and were equipped with firearms and machetes. They received extremely summary training, and among their members were some who were very young. It would be appreciated if the delegation could comment on those reports.

14. Freedom of movement was restricted, with most Rwandans confined to their communes by a system of registration and identity cards. They were reportedly not allowed to move around the country or go abroad. While the Government might invoke security considerations to justify such restrictions, they were a violation of human rights, and they also resulted in a less flexible labour market and hampered economic development, as had been pointed out by the World Bank. Freedom of opinion, expression and the press were apparently not guaranteed.

15. About 130,000 people were awaiting trial in facilities designed, according to the report, to house 41,550. According to information from the United States Department of State, the actual prison capacity was only 17,000. The overcrowding was deplorable and inhuman. Over 3,000 prisoners had reportedly died in 1998, and about 1,000 in 1999, some from ill-treatment. Conditions were poorest in the communal cells (cachots) which housed some 40,000 prisoners. There was a large proportion of young children in detention. Relief organizations had difficulty in providing assistance to such prisoners, especially in the communal cells, as villagers could not understand why aid was provided to prisoners but not to themselves.

16. Trials unfortunately continued to proceed very slowly, owing in part to limited human and financial resources. For example, there were not even any files on 40,000 of those still awaiting trial. Some 2,400 cases had been tried by the end of 1999, of which 14 per cent had resulted in the death penalty, 30 per cent life imprisonment, 34 per cent one to twenty years imprisonment and 19 per cent acquittal. The latter figure was very high and implied that, indeed, many of the prisoners should not have been there. The remaining 3 per cent were unaccounted for and might even have died. It was, however, very positive that no execution had taken place since April 1998. He noted the difficulty of protecting witnesses, who were often intimidated and threatened into not testifying.

17. In an effort to deal with the enormous caseload of prisoners, both adults and children, the Government had undertaken a bold programme of using traditional village courts, called gacaca. Some 30,000 local judges had been selected and could deal with all but the most serious crimes. They had the authority to order imprisonment, community service and repayment of damages. The election process for the judges, who were respected members of the village community, was very open, as were the trials, which were held in public. That system, although raising concerns about issues such as the right to counsel, due process, the right to appeal, proper treatment, detention during trial, seemed to be a very interesting initiative.

18. The Government had made commendable efforts to reduce ethnic tensions by eliminating any mention of ethnicity on identification cards, appointing members of all ethnic groups to government positions and integrating members of the former Rwandese Armed Forces (FAR) into the national army.

19. The United Nations and the international community must continue to cooperate with Rwanda on all levels as had been stated by the Secretary-General on 16 December 1999, in order to avoid a recurrence of the events of the past.

20. Mr. VALENCIA RODRIGUEZ said that the war and genocide had had devastating consequences for Rwanda. Much of the male population had been killed and approximately 34 per cent of households were now headed by women and, in 1997, 70 per cent of the population was living in poverty. Much remained to be done to rebuild the country.

21. Unfortunately the soldiers of the losing side and the Interahamwe militias had not been disarmed and were still receiving assistance from some countries. Pacification and reconciliation would therefore take a long time, which would affect implementation of the Convention. It was noteworthy that one of the Government's first acts had been to seek to rebuild the judicial system

in order to bring those responsible for the genocide to justice. Letting the guilty go unpunished could lead to renewed bloodshed; it was not surprising that approximately 95 per cent of the prison population was accused of genocide.

22. One of the first tasks of the newly created National Human Rights Commission had also been to study violations of human rights and to begin legal proceedings to punish those violations. He hoped the Government would keep the Committee informed of progress made in that area.

23. One of the Government's objectives was to eliminate the racial discrimination which had been one of the causes, if not the sole cause, of the genocide. In that context, he noted the measures described in paragraphs 31 and 32 of the report, and inquired about the status of the Convention vis-à-vis domestic law and whether it could be invoked directly before the courts.

24. With regard to article 2 of the Convention, official policies and legislation had been revised (paras. 37 and 38). The establishment of a fund to assist the most needy survivors of the genocide, targeted at education, health care and housing (para. 43) was most welcome. He hoped that the delegation would provide more information in the future on any positive results of those measures.

25. With regard to article 4 of the Convention, article 393 of the Criminal Code and Act 8/96 implemented article 4 (a) but more information was needed on measures to implement article 4 (b) on the prohibition of racist organizations, which was especially important for Rwanda given its past history. Information on provisions of the Constitution which implemented article 5 of the Convention was also fairly satisfactory but the next report should explain how those provisions were being implemented in practice.

26. Although the limitations on the right to freedom of movement described in paragraph 50 were understandable, given Rwanda's history of conflict and foreign interference, it was to be hoped that as pacification continued those limitations would gradually be eliminated. With regard to the right to inherit (para. 54), he welcomed the information that the rights of children and women were increasingly being recognized by the courts and that the bill being debated by the Assembly would recognize equal inheritance rights for both sexes, and looked forward to receiving a copy of the text of the law once approved. With regard to the right to work (para. 40), the Committee should be kept informed of the implementation of article 25 of the Labour Code and article 30 of the Constitution.

27. The Government had made a substantial effort in providing subsidies to improve the housing situation of the Twa people (para. 61). The Committee should be kept informed of the results of that effort, which was especially laudable given the country's scant economic resources. He noted that, with regard to article 6 of the Convention, the Committee had not been informed of any case being brought before the courts and he wondered whether that was because the population was not really aware of the Convention, in which case measures should be taken to increase public awareness. With regard to article 7, the State party had launched information campaigns on human rights themes (para. 84). That work must continue and be further developed.

28. He recognized that the State party was endeavouring to implement the provisions of the Convention and that the Government's main task was to bring about reconciliation so that the country's three ethnic groups could live together in harmony. The international community must share those goals and assist in their realization.

29. Ms. McDOUGALL said she took a personal interest in the situation in Rwanda, having visited the country several times. She welcomed the resumption of the State party's dialogue with the Committee.

30. With regard to the question of impunity, she expressed satisfaction that members of the armed forces who had violated human rights and humanitarian law had been court marshalled but asked how many had been prosecuted and how many convictions or acquittals there had been. She also inquired what the State party's current relationship was with the International Criminal Tribunal for Rwanda since it had suspended cooperation in 1999. Noting that there were some 120,000 people awaiting trial for genocide in the country, she asked if the State party had some suggestions as to what measures could be taken or assistance offered by the international community to help deal with that enormous problem. Recourse to the traditional village-based gacaca justice system certainly seemed very interesting and potentially useful although it did raise some concerns about, for example, protection of due process. She would like to know what mechanisms had been put in place, how much progress had been made and whether the 30,000 local judges had begun trying any cases.

31. She asked whether the reported weekly meetings between the President, Vice-President, Prime Minister and other officials to discuss reconciliation were continuing and what policies had arisen from those discussions. In that context, it was commendable and understandable that the Government, in all its policies and actions, was endeavouring to eliminate any mention of ethnicity and eradicate ethnic discrimination, as it was in fact required to do under the Constitution and the Arusha Peace Agreement. The Government of Rwanda, like many other governments, therefore resisted developing disaggregated data containing indications of race or ethnicity but she wondered whether the State party could provide any suggestions to the Committee on how its members might continue to assess progress in the integration of all groups into the Government and the economy without such data. The Country Rapporteur had noted progress made in integrating all groups into the civil service, Parliament and the armed forces but had had access to disaggregated data.

32. With regard to housing, the report had only mentioned efforts to help one group (para. 61) but the added factor of returning refugees had aggravated the situation and heightened competition for land and housing. How was the Government addressing that issue?

33. She commended the Government for developing new legislation on inheritance rights since such problems had been exacerbated by the war, placing widows and orphans in an even more vulnerable position because, despite being heads of households, they had not been allowed to inherit.

34. The establishment of the National Human Rights Commission was a welcome development and it was to be hoped that it would succeed in the task of reconciliation. More information on its mandate, legal status, independence and powers, and on the ethnic diversity of its membership, would be appreciated.

35. She wondered whether Rwanda had called on the Office of the High Commissioner for Human Rights (OHCHR) and the Special Representative for assistance in developing a human rights awareness campaign and suggested that the State party might be able to assist the Committee in identifying early warning indicators of the racial or ethnic breakdown of society which might lead to genocide.

36. Mr. Valencia Rodriguez, Vice-Chairman, took the Chair.

37. Mr. FALL, thanking the representative of the State party for the new information provided and noting that the Government of Rwanda was endeavouring to promote reconciliation and implement the Convention, said that the establishment of the National Human Rights Commission had been a positive step but more information was needed on progress made as well as on its makeup, independence and day-to-day functioning. He asked what specific measures had been adopted to promote national reconciliation and whether the teaching of human rights was compulsory. The best way to teach human rights was to seize every opportunity to do so, whether at school, in the media or by any other means. He raised the question of the relations between the Government of Rwanda and the International Criminal Tribunal for Rwanda. The fact that so many prisoners were still awaiting trial for genocide in Rwanda itself raised concerns about the protection of their human rights.

38. With regard to the large numbers of refugees and displaced persons as a result of the genocide and the wars in the Great Lakes region, he inquired what measures the Government had taken to facilitate the return of displaced persons and what the status of refugees was under current national legislation.

39. Mr. SHAHI, endorsing previous speakers' analysis of the information presented, noted the many positive developments such as the establishment of the National Human Rights Commission and efforts to rebuild the judicial system and bring to trial those suspected of involvement in the genocide. He expressed concern that in 1999 the Government of Rwanda had suspended cooperation with the International Criminal Tribunal for Rwanda, and, with regard to the enormous number of prisoners still awaiting trial within the country, mostly for the crime of genocide, requested more information on how many had been acquitted or convicted, and what sentences had been imposed. Had the process of sorting out all detainees' case-files, scheduled for completion by 31 December 1999 at the latest (para. 24), actually been completed?

40. Notwithstanding the Government's programme to rebuild the justice system and train judges and prosecutors, it would be impossible to hold speedy trials for all those persons still in detention. The village elders who had been elected to hear such cases could apparently try those persons for murder. What kind of sentencing powers did they have? Could they impose capital punishment?

41. The international community's role in Rwanda had been less than constructive. It was a subject of concern that certain countries were still providing arms to those implicated in the genocide, and he sympathized with the Rwandan Government because of the enormous problem it was facing in restoring a sense of security.

42. Mr. PILLAI asked how the National Human Rights Commission had evolved and how it cooperated with the executive and the legislative branches. As the Commission was also responsible for hearing individual complaints, it was to be hoped that that would take some pressure off the courts. Paragraph 27 of the report stated that the Commission transmitted its reports on all findings of human rights violations to the President, the Government, the National Assembly and the Supreme Court; which of those authorities was truly concerned with the actual implementation of the Commission's recommendations?

43. Paragraph 42 spoke of equality of opportunity in all fields, including the economy. In his view, such equality also presupposed equality in socio-economic development. Did that policy also apply to socially or economically disadvantaged persons belonging to foreign communities?

44. He referred to the poor health and hygiene conditions in Rwanda's overcrowded prisons, which were an ideal breeding ground for the spread of contagious diseases not only among inmates, but also in the population at large once prisoners were released. He appealed to the Rwandan Government to give adequate attention to maintaining proper health and hygiene in prisons.

45. Mr. de GOUTTES said that the twelfth periodic report of Rwanda provided only a legal vision of the situation, with ample data on legislative measures but little information on their practical implementation.

46. He wished to address several points already raised in the Committee's decision 3 (54) and decision 5 (53) on Rwanda. One concerned the situation of detainees and overcrowding in prisons. Of the estimated 130,000 detainees, some 4,500 were minors, 243 of them under 14 years of age (report, para. 25). Was there a special procedure for trying those children? How many children had been found guilty, and what sentences had been handed down?

47. Secondly, what had been the result of efforts to rebuild the justice system, and had the Government resumed cooperation with the International Criminal Tribunal for Rwanda?

48. Thirdly, according to information from the United Nations High Commissioner for Refugees (UNHCR), Rwanda had taken in refugees from the Democratic Republic of the Congo, Burundi and eastern Africa, who had been placed in the three camps of Kibiza, Gihembe and Kigeme. UNHCR reported that treatment in those camps varied according to the ethnic composition of the populations concerned and that there were severe problems of hygiene in all of them. Could the representative of Rwanda provide further information on the situation in the camps and indicate whether the Rwandan Government was planning to adopt legislative measures in favour of those refugees? Also, did Rwanda intend to accede to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons?

49. Mrs. ZOU Deci said that the report did not seem to contain any reference to the question of refugees, which posed an enormous problem for Rwanda. Refugees from the Democratic Republic of the Congo and Burundi were currently living in refugee camps under poor conditions. Some of the refugees had not been recognized as such by the Rwandan Government. How was Rwanda planning to deal with the problem?

50. Paragraph 25 stated that 95 per cent of detainees would be tried for genocide. Were the 243 detained children under 14 years of age also accused of that offence? Could they really be held responsible for their acts? Had any of those children been tried? If so, what sentences had been imposed? What would be done with those 243 children?

51. Mr. Sherifis, Chairman, resumed the Chair.

52. Mr. ABOUL-NASR said that his view on the question differed from that of other members. According to paragraph 25, more than 130,000 persons were detained on charges of genocide. After the Second World War, far fewer persons had been brought before an international tribunal for war crimes and crimes against humanity. The issue was not how to take care of children in prisons or the conditions of detention of large numbers of accused persons. It was a well-known fact that there had been foreign intervention in Rwandan affairs. Why had no one asked who was financing the war? To what extent were the neighbouring countries helping, or not helping, to resolve the conflict? Mr. Nobel had missed an important point: all his sources of information were European or American. He had not consulted the Organization of African Unity (OAU) on what missions it had sent, why they had failed or what decisions it had taken, despite the fact that OAU was the closest regional organization to Rwanda and thus the one most familiar with the issues.

53. How could 130,000 persons possibly be brought to justice? Even assuming that as many as 1,000 persons could be tried in a year, it would take 130 years to bring them all to trial. The National Human Rights Commission was virtually powerless. Given the situation, the Committee must request the international community, through the Security Council, to help disarm the population in the same way as it had done in Kosovo. Was it not applying double standards to save European lives and not African ones? The Committee must also launch an appeal for an amnesty, because it was simply impossible to bring 130,000 persons to trial. Although it was not necessary to forget, the time had come to forgive. In any case, those really responsible for the genocide in Rwanda had fled and had bank accounts in Switzerland.

54. Mr. Kananura (Rwanda) withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Draft resolution on contemporary conflicts (CERD/C/56/Misc.28) (continued)

Statement on the social and political significance of difference in ethnic origin (CERD/C/56/Misc.29) (continued)

55. The CHAIRMAN recalled that a working group had been set up to draft two different texts, a draft resolution on contemporary conflicts (CERD/C/56/Misc.28) and a statement on the social and political significance of difference in ethnic origin (CERD/C/56/Misc.29), on the basis of proposals originally submitted to the Committee by Mr. Banton.

56. Mr. BANTON, speaking as convenor of the working group, said that a number of substantive amendments to the two texts, proposed by Committee members who had not taken part in the working group, warranted consideration by the Committee as a whole. One of those amendments was to transpose the last three sentences of document CERD/C/56/Misc.29, namely those referring to problems in Nigeria and Indonesia, to the draft resolution on contemporary conflicts (CERD/C/56/Misc.28).

57. Mr. ABOUL-NASR said that the basic intent of document CERD/C/56/Misc.29 was to issue a statement in connection with recent events in Austria. Pending further clarification of the position of the Austrian Government on such matters he was not willing to lend his support to such a statement. The scope of the document should be broader, extending to violence based on ethnic differences in Nigeria, Indonesia and also other European States.

58. Turning to the draft resolution (CERD/C/56/Misc.28), he suggested that in operative paragraph 1 mention should be made of the violations carried out by the Serbs against the Albanians as well as the reprisals by the Albanians against the Serb and Roma minorities. In operative paragraph 2 a reference should be included to the need for the safe return of refugees to Chechnya. In operative paragraph 3 the word "particularly" should be inserted before "in Burundi" since Burundi was not the only country in which the Committee was calling for an end to ethnic violence.

59. Mr. LECHUGA HEVIA, referring to paragraph 3 of document CERD/C/56/Misc.29, suggested that the beginning of the third sentence, which read: "Since a political party accused of cultivating racist sentiments is now part of the Austrian Government," should be replaced by "Since several political parties in different countries are cultivating racist sentiments,".

60. Mr. FALL said he was concerned about the resurgence of extremist right-wing parties in Europe and their racist ideology which posed a threat to the Convention. If the Committee did not wish to refer directly to the situation in Austria it should nonetheless mention the problem in general terms. It might also wish to include a reference in document CERD/C/56/Misc.29 to the proliferation of new forms of racial discrimination, including hate sites on the Internet.

61. Mr. RECHETOV, referring to the draft resolution, endorsed the suggestion by Mr. Aboul-Nasr to include a reference in the operative paragraph 2 to the need for the return of refugees to Chechnya. However, it was important to remember that the hundreds of thousands of refugees in question were not only Chechens but also Russians. He would therefore qualify the suggested amendment by referring to the return of all refugees, irrespective of their nationality.

62. Mr. de GOUTTES said he had proposed transposing part of the statement in CERD/C/56/Misc.29 to the draft resolution in document CERD/C/56/Misc.28 since the gravity of the violations and intensity of the violence in Nigeria and Indonesia meant that they should be regarded as contemporary conflicts and dealt with under the relevant draft resolution.

63. The basic intent of the statement on the social and political significance of difference in ethnic origin had not been to refer solely to the situation in Austria, but to express concern about the exploitation and even manipulation of racist sentiments by political parties in some European countries. In a general statement drafted along those lines there ought to be a specific reference

to the Austrian Government as a good example of the type of situation that was of concern to the Committee. Moreover, as currently worded, the text did not imply any criticism of the Austrian Government, merely referring as it did to the need to monitor developments closely. He was therefore in favour of retaining the statement in CERD/C/56/Misc.29 as currently worded, subject to the removal of the last three sentences.

64. Ms. McDOUGALL said she was rather confused about the basic intent of the two texts, particularly CERD/C/56/Misc.29. She endorsed the suggestion to incorporate the statement on Nigeria and Indonesia in the draft resolution, yet failed to understand why no mention had been made of the ongoing conflict in Sudan. If the draft resolution was to be really useful then it should cover all contemporary conflicts based on racial discrimination.

65. If the purpose of document CERD/C/56/Misc.29 was to make a statement about the rise of political parties in Europe that played on xenophobia then that should be stated more clearly. As currently drafted the text seemed to be confusing two different ideas and did not succeed in conveying either of them successfully. Paragraphs 1 and 2 of the statement certainly needed redrafting, in particular the latter, where she took issue with the sentence "Differences in the appearance and behaviour of individuals often result in their suffering discrimination".

66. Mr. VALENCIA RODRIGUEZ said that he was not in favour of transposing the last few sentences of CERD/C/56/Misc.29 to the draft resolution. The result would be an unbalanced statement on the social and political significance of difference in ethnic origin by referring exclusively to the situation in Austria. He preferred the solution suggested by Mr. Lechuga Hevia. Furthermore, the statement in CERD/C/56/Misc.29 should cover other aspects of racial discrimination, namely those referred to in the statement by the High Commissioner for Human Rights on which the Committee's statement was supposed to have been based.

67. The CHAIRMAN agreed that the original points raised by the High Commissioner seemed to have been somewhat lost in the second draft of the statement now before the Committee.

68. Ms. JANUARY-BARDILL shared Ms. McDougall's concerns about document CERD/C/56/Misc.29. In Africa, ethnicity problems were very much connected with the legacy of colonialism - one vitally important issue that seemed to have been overlooked. The Committee would need to carry out a far more thorough analysis of the situation before issuing any statement. She was not satisfied with the text as it stood.

69. Mr. BRYDE, referring to the draft resolution, endorsed Mr. Aboul-Nasr's suggestion concerning operative paragraph 1; one of the recurring tragedies of ethnic conflicts was that once the formerly persecuted minority became the majority group, it often perpetrated violations against the new minority.

70. He shared the concerns expressed by Ms. McDougall and Ms. January-Bardill regarding document CERD/C/56/Misc.29. He disagreed with the statement made in paragraph 2. Also, paragraph 1 would be much clearer if it was redrafted to the effect that the exploitation and manipulation of ethnic differences was the cause of conflict.

71. Mr. YUTZIS echoed the concerns voiced about the lack of clarity in document CERD/C/56/Misc.29, particularly paragraph 2. At the outset there had been general agreement that the central theme of the statement should be the need for early-warning measures and urgent action procedures by the Committee, yet the only reference to them was in the preamble of the draft resolution. Clearly both texts required substantive revision and since the issues they covered were so closely related it might be preferable to deal with them in one consolidated text.

72. Mr. NOBEL agreed that during the drafting process the Committee had lost sight of the two main points at issue: how situations of ethnic difference were manipulated to such an extent that they gave rise to conflict; the Committee had an important role to play in such situations under the relevant provisions of the Convention.

73. Mr. SHAHI endorsed the suggestion made by Mr. Aboul-Nasr regarding operative paragraph 1 of the draft resolution. With respect to document CERD/C/56/Misc.29, he had no objection to incorporating a reference in the draft resolution to the situation in Indonesia. The conflict in Nigeria came under a different category, however, since the Nigerian Government was not directly or indirectly involved in it. He endorsed Mr. Lechuga Hevia's suggestion for the rewording of the third sentence of paragraph 3, for the reasons he and other members had given. A further reason for deleting the reference to the situation in Austria was that it had not yet given rise to a serious conflict, as paragraph 1 of the document implied.

74. Mr. ABOUL-NASR pointed out that attacks against foreigners were not carried out or encouraged solely by members of extremist right-wing political parties. There had been many instances of violence perpetrated by labourers, who presumably had sympathies with left-wing parties, against foreigners viewed as potential competition on the labour market.

75. Mr. DIACONU suggested that the two texts should be merged as one document and given a more general title than contemporary conflicts. The document should begin with the preambular paragraphs of the draft resolution and then deal in separate paragraphs with the following issues: Kosovo; Chechnya; Burundi; Indonesia and Nigeria; and the rise of political parties with a racist ideology in Europe, in particular Austria. The document should conclude with a slightly amended version of operative paragraph 4 of the draft resolution.

76. Mr. de GOUTTES expressed support for that proposal.

77. The CHAIRMAN said he would take it that the Committee was in favour of Mr. Diaconu's proposal. He invited Mr. Banton to draft the text, along the lines suggested by Mr. Diaconu and taking into account comments and suggestions made during the discussion that had just taken place.

78. It was so decided.

The meeting rose at 6 p.m.